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May 5, 2008

**Via Hand Delivery and ECF Filing**

Honorable Dennis M. Cavanaugh, U.S.D.J.  
 United States District Court, District of New Jersey  
 United States Post Office & Courthouse  
 Newark, New Jersey 07102

**Re: *In re Vytorin/Zetia Marketing, Sales Practices and Products Liability Litigation, MDL No. 1938; Master Docket No. 08-285(DMC)(MF)***

Dear Judge Cavanaugh:

As one of the interim liaison counsel, appointed jointly with Seeger Weiss LLP by Your Honor in the above-referenced multidistrict litigation (collectively "Liaison Counsel"), I submit this letter report in accordance with Case Management Order No. 1 ("CMO-1") (DE21), setting forth the status of our efforts to achieve a consensus leadership structure among plaintiffs' counsel in this MDL.

I am pleased to report that following Your Honor's urgings during the initial status conference, the vast majority of plaintiffs' firms in these actions now support a proposed interim leadership structure that offers both broad participation and representation, as well as efficiency. The proposed structure includes a Plaintiffs Steering Committee ("PSC") composed of twelve law firms (including the previously-appointed Liaison Counsel) from around the country, representing both third party payor plaintiffs and consumer plaintiffs, and coming from various groups of firms that initiated cases now consolidated in this multidistrict litigation. At the same time, to ensure efficiency, the proposal also includes an executive committee comprising the two previously-appointed Liaison Counsel firms and three other members of the PSC. We believe that this proposed structure will ensure the effective and efficient management of this litigation, to the benefit of all putative class members. The proposed members of the PSC have broad and vast experience in class action litigation and in the subject matter areas of this case, and they together offer the resources needed to prosecute this major case on behalf of the proposed classes.

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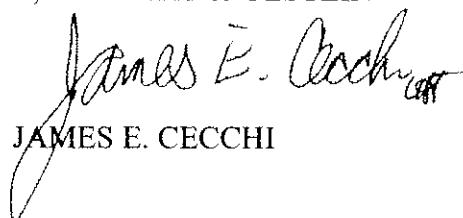
While Liaison Counsel can represent that the proposed structure enjoys significant broad-based support, we expect that, as is common in large multi-district litigations, some of the small minority of plaintiffs that have not affirmatively supported the proposed structure may choose to formally object to it. To avoid undue delay, we respectfully submit that it would be appropriate and advisable for Your Honor to establish an efficient process whereby any such objections can be heard and considered by the Court. To that end, we have enclosed a proposed Order that would require any plaintiff seeking to oppose the above-described leadership proposal to file an application with the Court by the close of business on May 13, 2008. We further respectfully suggest that those counsel's submissions be limited to five single-spaced pages, along with relevant *curriculum vitae*. The proposed Order also contemplates that the attorneys comprising the above-described proposed leadership structure would have five days after submission of any objection or alternate proposal to file with the Court, through Liaison Counsel, their response(s) thereto.

Finally, I have annexed hereto as Exhibit A the proposed interim leadership structure that Liaison Counsel proffers and endorses. I have annexed our proposal for the Court's guidance, as well as for the benefit of any plaintiffs' counsel with whom we have not yet communicated.

Thank you for Your Honor's continued attention to this matter.

Respectfully submitted,

CARELLA, BYRNE, BAIN, GILFILLAN,  
CECCHI, STEWART & OLSTEIN



JAMES E. CECCHI

cc: Honorable Mark Falk, U.S.M.J. (*via* ECF and Regular Mail)  
All Plaintiffs' Counsel (*via* email)  
All Defendants' Counsel (*via* email)

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